

REMARKS

In the Office Action mailed May 27, 2009, the Office noted that claims 1-9 were pending and rejected claims 1-9. Claims 1, 4, 5, 8 and 9 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 1-9 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

OBJECTION TO THE SPECIFICATION

The disclosure stands objected to for informalities. In particular, the Office asserts that the title is not directed to the claimed invention. The Applicants have amended the title to: RECORDING INFORMATION ON A RECORDING MEDIUM WHERE THE RECORDING SPEED CAN BE CHANGED TO AT LEAST A FIRST AND SECOND LINEAR VELOCITY.

The Applicants submit that no new matter has been added by the amendment of the title.

Withdrawal of the objection is respectfully requested.

CLAIM OBJECTION

Claims 1, 8 and 9 stand objected to for informalities. In particular, the Office asserts that the claims contain antecedent basis issues. The Applicants have amended the claims

consistent with the comments of the Office.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1, 8 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office asserts that phrases are indefinite or confusing grammatically.

The Applicants have amended the claims to overcome the rejection. It is also submitted as "the variable recording power used to calculate the reproduction quality," the reproduction quality can also be variable.

Support for the amendments may be found, in the claims as previously filed and ¶ 0037 of the printed publication version of the Specification.

The Applicants submit that the amendments are to overcome the formal rejection and objections of the Office and should be entered as of right pursuant to 37 CFR 1.116(b)(1).

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, JP Publication No. 2003-085760 in view

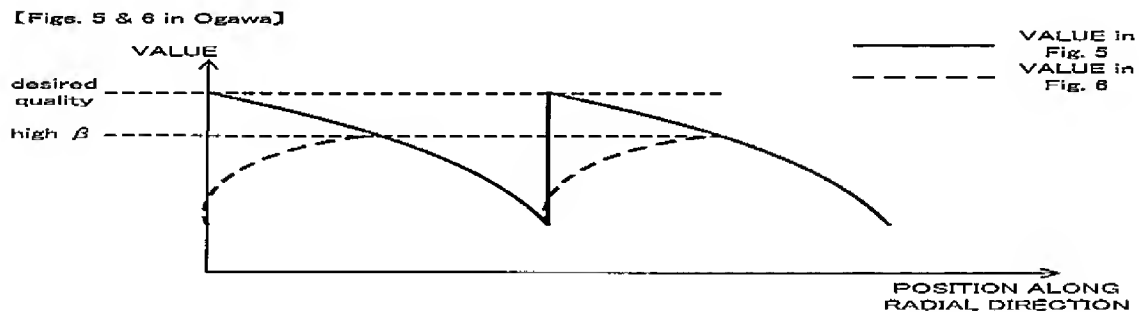
of Takeda, U.S. Patent No. 7,095,691 in further view of Ogawa, U.S. Patent No. 7,088,665. The Applicants respectfully disagree and traverse the rejection with an argument.

On page 5 of the Office Action it is acknowledged that Suzuki in view of Takeda does not disclose "an adjusting device for adjusting the recording power, by a predetermined adjustment amount at a time in stages or in a predetermined change rate in continuity, such that the recording power changes from the link power to a reference power which is the recording power which gives desired target quality as the reproduction quality and thereby the reproduction quality of the record information gradually or stepwisely changes from the reproduction quality measured by said measuring device to the desired target quality," as in claim 1, but asserted that Ogawa discloses such a feature.

Specifically, it is asserted that Ogawa discloses adjusting the recording power, by a predetermined adjustment amount at a time in stages or in a predetermined change rate in continuity (see Fig. 7B), such that the recording power changes from the link power (Fig. 6, low ( $\beta$  value) to a reference power (Fig. 6. high  $\beta$  value) which is the recording power which gives desired target quality as the reproduction quality and thereby the reproduction quality of the record information gradually or stepwisely changes from the reproduction quality measured by said measuring device to the desired target quality (col. 8, lines 30-43).

However, the Applicants believe that Ogawa does not disclose the "reference power which gives desired target quality" defined in claim 1.

Specifically, Ogawa discloses that (i) the  $\beta$  value is changed as shown in Fig. 5 if the recording power is changed as shown in Fig. 7(A) and a normal servo gain is used and (ii) the  $\beta$  value is changed as shown in Fig. 6 if the recording power is changed as shown in Fig. 7(B) and a smaller servo gain is used. Here, if the  $\beta$  value in Fig. 5 and the  $\beta$  value in Fig. 6 are overlapped, the following graph is obtained.



As shown in this graph, high  $\beta$  in Fig. 6 is smaller than the desired target quality (i.e. top peak value in Fig. 5). Namely, high  $\beta$  in Fig. 6 is different from the desired target quality. This is caused by making the servo gain smaller (i.e. by cutting the high-frequency signal component),

Therefore, Ogawa does not adjust the recording power, by a predetermined adjustment amount at a time in stages or in a predetermined change rate in continuity, such that the recording power changes from the link power to a reference power which is

the recording power which gives desired target quality as the reproduction quality and thereby the reproduction quality of the record information gradually or stepwisely changes from the reproduction quality measured by said measuring device to the desired target quality.

Therefore, for at least the reasons discussed above, Suzuki, Takeda and Ogawa, taken separately or in combination, fail to render obvious the features of claims 1 and 8 and the claims dependent therefrom.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Takeda, in view of Ogawa in further view of Nagano, U.S. Patent No. 7,053,919. The Applicants respectfully disagree and traverse the rejection with an argument.

For at least the reasons discusses above, Suzuki, Takeda, Ogawa and Nagano, taken separately or in combination, fail to render obvious the features of claim 9.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 101 and 103. It is also submitted that claims 1-9 continue to be allowable. It is further submitted that the claims are not taught, disclosed or

suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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